

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

ANTHONY L. HUNTER, JR.,)
)
Plaintiff,)
)
VS.) No. 16-2996-JDT-cgc
)
SHELBY COUNTY DETENTION)
FACILITY, ET AL.,)
)
Defendants.)

**ORDER DIRECTING PLAINTIFF TO FILE A NON-PRISONER
IN FORMA PAUPERIS AFFIDAVIT OR PAY THE \$400 CIVIL FILING FEE**

On December 21, 2016, Plaintiff Anthony L. Hunter, Jr., who was, at the time, incarcerated at the Shelby County Criminal Justice Complex in Memphis, Tennessee, filed a *pro se* complaint pursuant to 42 U.S.C. § 1983, accompanied by a motion seeking leave to proceed *informa pauperis*. (ECF Nos. 1 & 2.) The Court issued an order directing Plaintiff to submit either the \$400 civil filing fee or a copy of his inmate trust account for the last six months, in accordance with 28 U.S.C. §§ 1915(a)-(b). (ECF No. 4.) Plaintiff's attempt to comply with the order was not received by the Clerk (*see* ECF No. 5), so on February 14, 2017, the Court granted Plaintiff an extension of time in which to re-submit the document. (ECF No. 7.) However, two days after the extension of time was granted, Plaintiff notified the Clerk that he had been released and provided his new address. (ECF No. 8.)

Under the PLRA, a prisoner bringing a civil action must pay the full filing fee of \$350 required by 28 U.S.C. § 1914(a). The statute merely provides the prisoner the opportunity to make

a “downpayment” of a partial filing fee and pay the remainder in monthly installments. 28 U.S.C. § 1915(b). However, in this case, no portion of the filing fee was paid prior to Plaintiff’s release. Under these circumstances, the Sixth Circuit has held that “the obligation to pay the remainder of the fees is to be determined solely on the question of whether the released individual qualifies for pauper status.” *McGore v. Wrigglesworth*, 114 F.3d 601, 613 (6th Cir. 1997), *partially overruled on other grounds by LaFountain v. Harry*, 716 F.3d 944, 951 (6th Cir. 2013).

Therefore, Plaintiff is ORDERED to submit, within 30 days after the date of this order, either a non-prisoner *in forma pauperis* affidavit or the entire \$400 civil filing fee. The Clerk shall mail Plaintiff a copy of the non-prisoner *in forma pauperis* affidavit form along with this order.

Failure to comply with this order in a timely manner will result in the dismissal of this action without further notice, pursuant to Federal Rule of Civil Procedure 41(b), for failure to prosecute.

IT IS SO ORDERED.

s/ James D. Todd
JAMES D. TODD
UNITED STATES DISTRICT JUDGE